

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 05 July 2001 (05.07.01)	
International application No. PCT/US00/26974	Applicant's or agent's file reference CM2200/JB
International filing date (day/month/year) 29 September 2000 (29.09.00)	Priority date (day/month/year) 01 October 1999 (01.10.99)
Applicant LEWIS, David, Malcolm et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
 05 March 2001 (05.03.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was

☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer H. Zhou Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference CM2200/JB	FOR FURTHER ACTION <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small>	
International application No. PCT/US 00/ 26974	International filing date (day/month/year) 29/09/2000	(Earliest) Priority Date (day/month/year) 01/10/1999
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.
☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).
- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :
- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the title,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

- ☒ the text is approved as submitted by the applicant.
- ☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

- ☐ as suggested by the applicant.
- ☐ because the applicant failed to suggest a figure.
- ☐ because this figure better characterizes the invention.
- ☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/26974

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 C09B62/022 D06P3/00 D06P1/38 C09B62/78

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 C09B D06P

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	GB 1 414 420 A (CIBA GEIGY AG) 19 November 1975 (1975-11-19) page 10, line 27 - line 57; claims; examples ---	1,2, 4-15,22, 23,25-27
A	US 4 139 345 A (CRABTREE ALLEN ET AL) 13 February 1979 (1979-02-13) examples 27,32,33 ---	1,2, 4-15,22, 23,25,26
A	US 4 092 478 A (PLANT DAVID WILLIAM ET AL) 30 May 1978 (1978-05-30) column 1, line 1 -column 2, line 64; examples --- -/--	1,2, 4-12,22, 23,25



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents :

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the international filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *&* document member of the same patent family

Date of the actual completion of the international search

17 January 2001

Date of mailing of the international search report

26/01/2001

Name and mailing address of the ISA

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Authorized officer

Ketterer, M

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/26974

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
A	DE 196 45 601 A (GLUESENKAMP KARL HEINZ DR) 7 May 1998 (1998-05-07) abstract; figures 1A,1B ---	1
A	WO 97 19188 A (ANTWERP WILLIAM PETER VAN ;MINIMED INC (US); MASTROTOTARO JOHN JOS) 29 May 1997 (1997-05-29) page 12, line 21 -page 15, line 6 ---	1
A	CA 771 632 A (UNILEVER LTD.) 14 November 1967 (1967-11-14) cited in the application the whole document -----	1,16

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/26974

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
GB 1414420	A	19-11-1975	CH 606344 A CA 1000692 A DE 2331518 A FR 2202132 A US 4079051 A	31-10-1978 30-11-1976 10-01-1974 03-05-1974 14-03-1978
US 4139345	A	13-02-1979	GB 1497167 A AR 212177 A AU 1675776 A BE 845869 A BR 7605830 A DD 127390 A DE 2639573 A ES 451371 A FR 2323801 A HK 46479 A JP 52034079 A NL 7609908 A PH 13311 A TR 19105 A ZA 7604766 A	05-01-1978 31-05-1978 16-02-1978 03-03-1977 16-08-1977 21-09-1977 25-08-1977 01-03-1978 08-04-1977 20-07-1979 15-03-1977 11-03-1977 06-03-1980 25-05-1978 27-07-1977
US 4092478	A	30-05-1978	GB 1502684 A AR 219902 A AU 497288 B AU 1265176 A BR 7602255 A CH 625267 A DD 125539 A DE 2616683 A ES 447017 A ES 451997 A FR 2307852 A HK 60778 A IT 1063092 B NL 7603952 A OA 5303 A TR 19087 A BE 840810 A CS 189760 B ES 451996 A ES 451998 A ZA 7601908 A	01-03-1978 30-09-1980 07-12-1978 03-11-1977 12-10-1976 15-09-1981 27-04-1977 28-10-1976 16-05-1979 01-01-1978 12-11-1976 20-10-1978 11-02-1985 19-10-1976 28-02-1981 01-05-1978 15-10-1976 30-04-1979 01-10-1977 01-10-1977 30-03-1977
DE 19645601	A	07-05-1998	NONE	
WO 9719188	A	29-05-1997	AU 1058297 A CA 2235738 A EP 0862648 A JP 2000500656 T US 6011984 A	11-06-1997 29-05-1997 09-09-1998 25-01-2000 04-01-2000
CA 771632	A		NONE	

REC'D 17 JAN 2002

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference CM2200/JB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/26974	International filing date (day/month/year) 29/09/2000	Priority date (day/month/year) 01/10/1999
International Patent Classification (IPC) or national classification and IPC C09B62/022		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 05/03/2001	Date of completion of this report 15.01.2002
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized officer Ketterer, M Telephone No. +31 70 340 3645 

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/US00/26974

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, pages:

1-27 as originally filed

Claims, No.:

1-27 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/26974

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	3,16-21,24
	No:	Claims	1,2,4-15,22,23,25-27
Inventive step (IS)	Yes:	Claims	3,16-21
	No:	Claims	1,2,4-15,22-27
Industrial applicability (IA)	Yes:	Claims	1-27
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/26974

V.

Reference is made to the following documents:

D1: GB -A- 1 414 420
D2: US -A- 4 139 345
D3: US -A- 4 092 478
D4: DE -A- 196 45 601
D5: WO -A- 97/19188

V.1. The application does not fulfill the requirements of Article 33(1) PCT, because claims 1,2,4-15,22,23,25-27 are not new in the sense of Article 33(2) PCT.

V.1.1. D1 discloses reactive dyes with a triazine moiety linked to a phosphonat group. The dyes are suitable for use on cellulosic and N-contg. natural and synthetic fibres, esp. cellulosic textiles. D1 destroys novelty for claims 1,2,4-15,22,23,25-27.

V.2. The application does not fulfill the requirements of Article 33(1) PCT, because claim 24 is not inventive in the sense of Article 33(3) PCT.

V.2.1. Claim 24 specifies technical features common in the prior art for which no inventive skill is requested.

Therefore claim 24 is not regarded as inventive.

V.3. Claims 3 and 16-21 seem to involve an inventive step vis à vis the disclosed prior art.

V.3.1. A phosphonat derivative as defined in claim 3 of the current application is not proposed in D1. Furthermore, the preparation process in D1 starts with a chromophor on the onehand and a triazin/phosphonat-compound as the second starting material. Therefore current claims 18-21 are inventive over D1. Same can be acknowledged for use claims 16 and 17.

VII.

VII.1. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 - D5 is not mentioned in the description, nor are these documents identified therein.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/26974

VIII.

VIII.1. Claim 11 is not clear. The meanings of D, L,Z,X and m are not defined above, as mentioned in claim 11. Furthermore the integer n cannot be found in the formula of claim 11.